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12 Attorneys for Creditors
13 Bank of America, N.A., Dorothy R.
14 Wurlitzer and Lindsay P. Wurlitzer as
15 Co-Trustees of the Raimund B.
16 Wurlitzer Revocable Inter Vivos Trust
17 dated January 29, 1981

18 UNITED STATES BANKRUPTCY COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20 OAKLAND DIVISION

21 LOUIS ALOIS TOTH JR.,
22 Debtor.

Chapter 13

Case No. 11-49859 EDJ 13

23 STIPULATION FOR ^{LIMITED} RELIEF FROM THE
24 AUTOMATIC STAY

25 Louis Alois Toth, Jr., Debtor ("Debtor"), and Bank of America, N.A., Dorothy R.
26 Wurlitzer, and Lindsay P. Wurlitzer, as Co-Trustees of the Raimund B. Wurlitzer Revocable Inter
27 Vivos Trust, dated January 29, 1981, as amended (collectively, the "Trust"), by and through their
28 attorneys of record, hereby stipulate as follows:

RECITALS

- 29 A. Debtor filed his Chapter 13 bankruptcy case on September 13, 2011.
- 30 B. Prior to the filing of Debtor's bankruptcy case the Trust filed an action in the
31 Superior Court, County of San Mateo, Case Number CLJ 204490 for unlawful detainer against
32 Debtor, James John Kennedy ("Kennedy") and Home Haven, LLC ("Home Haven") relating to
33 the premises located at 1444 Burlingame Avenue, Burlingame, California (the "Action").

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STIPULATION

1 C. A default judgment was entered by the clerk of the Superior Court against Debtor,
2 Kennedy and Home Haven in the Action on September 13, 2011 (the "Default Judgment").

3 D. It is unclear whether the entry of the Default Judgment was made before or after
4 the filing of the Debtor's bankruptcy case.


5 E. In order to avoid litigation over the timing of the entry of the Default Judgment,
6 the Trust is willing to request that the Superior Court vacate the Default Judgment entered against
7 the Debtor only (and not Kennedy or Home Haven) and the Debtor is willing to stipulate to relief
8 from the automatic stay to ^{solely} permit the Trust to do so. ^{limited}

9 STIPULATION

10 Based upon the above recitals the parties hereby stipulate that the automatic stay set forth
11 under Bankruptcy Code Section 362 be terminated ^{for the limited purpose} to permit the Trust to take such actions in the
12 Action to request that the Superior Court vacate the Default Judgment as it relates to the Debtor
13 only (and not as it relates to Kennedy or Home Haven).

14
15 Dated: October 7, 2011

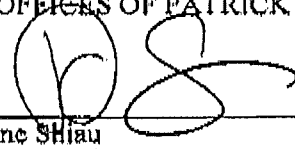
CARR, McCLELLAN, INGERSOLL, THOMPSON
& HORN
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16
17 By: 
18 Jennifer C. Johnson
19 Attorneys for Creditors,
20 Bank of America, N.A., Dorothy R. Wurlitzer
and Lindsay P. Wurlitzer as Co-Trustees of the
21 Raimund B. Wurlitzer Revocable Inter Vivos
Trust dated January 29, 1981

22 Dated: October 6, 2011

LAW OFFICES OF PATRICK L. FORTE

23
24 AS AMENDED

25 By: 
26 Anne Shiao
27 Attorneys for Debtor
LOUIS ALOIS TOTH JR
28 LAW OFFICES OF PATRICK L. FORTE